

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NICOLE RAWLEY, et al,	:	
	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO.
	:	1:15-cv-3550-AT
v.	:	
	:	
TATTLE TAIL, INC., et al,	:	
	:	
Defendants.	:	

NOTICE REGARDING FLSA CASES

Plaintiffs' claims in this action have been brought pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. (the "FLSA"). Under the FLSA, there are only two routes for compromise of FLSA claims. "First, under section 216(c), the Secretary of Labor is authorized to supervise payment to employees of unpaid wages owed to them." *Lynn's Food Stores, Inc.*, 679 F.2d at 1353. Alternatively, employees' claims may be compromised in a private FLSA action for back wages only after the district court reviews and approves the proposed stipulated judgment or settlement agreement "after scrutinizing the settlement for fairness." *Id.*; see also *Rakip v. Paradise Awnings Corp.*, 514 F. App'x 917, 919-20 (11th Cir. 2013) (finding that "Lynn's Food does not stand for the

proposition that any valid settlement of a FLSA claim must take a particular form. It only means that the district court must take an active role in approving the settlement agreement to ensure that it is not the result of the employer using its superior bargaining position to take advantage of the employee"). Offers of Judgment made pursuant to Fed. R. Civ. P. 68 are also subject to judicial review under *Lynn's Food* and will be scrutinized carefully for fairness prior to entry of judgment by the court. *Walker v. Vital Recovery Svcs., Inc.*, --- F.R.D. ---, 2014 WL 2854760 (June 18, 2014). Accordingly, the parties are hereby **NOTICED** that settlement must be approved by the Court before the case may be closed. It is the Court's practice to require filing of the settlement agreement on the public record. In the event that a settlement is reached, the parties are **DIRECTED** to file a joint motion for approval of the settlement agreement, attaching the settlement agreement to the motion. Should the parties believe there is good cause to seal the settlement agreement, they are to file the joint motion for approval and then remit the settlement agreement for in camera review. The Court will then hold a telephone conference to discuss the parties' request to seal the settlement agreement.

It is so **ORDERED** this 19th day of October, 2015.



Amy Totenberg
United States District Judge